

DEVELOPMENT REVIEW COMMITTEE

Tuesday, September 27, 2011

Meeting Minutes

The Development Review Committee of Monroe County conducted a meeting on **Tuesday, September 27, 2011**, beginning at 10:09 a.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Administrator, Environmental Resources	Present
Joe Haberman, Development Review Manager	Present

STAFF MEMBERS:

Mitch Harvey, Comprehensive Plan Manager	Present
Mayte Santamaria, Assistant Planning Director	Present
Steven Biel, Senior Planner	Present
Rey Ortiz, Planner	Present
Patricia Smith, Transportation Planner	Present
Jane Tallman, Scenic Highway Coordinator	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

Joel Reed requested hearing Item 3 as Item 2 and Item 2 as Item 3. Mr. Schwab had no objection.

MINUTES FOR APPROVAL

Mr. Schwab approved the minutes from the August 23, 2011 TDR meeting.

MEETING

NEW ITEMS:

1.A request by Monroe County to amend the Master Plan for Future Development of Big Pine Key and No Name Key by amending the Tier Designation, as directed by the Board of County Commission in Resolution 562-2003, for property owned by Seacamp (Real Estate numbers 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, and 00247180-000000) from Tier I to Tier III on Figure 2.1 (Tier Map for Big Pine Key and No

Name Key), and to amend the tier designation for the Seacamp property, as listed in Table 2.7, Institutional Uses, for consistency.

(10:12 a.m.) Kathy Grasser presented the staff report. Ms. Grasser reported that this is a tier designation request to amend the tier map in Table 2.7 from Tier I to Tier III. When the LCP for Big Pine and No Name Key were being created Seacamp had shown that their ten parcels were more developed as a Tier III than a Tier I. After many meetings and letters and Board approval back in 2003 by resolution, the Board of County Commissioners (BOCC) directed staff to change the ten parcels to Tier III. This was never finished, and staff is now in the process of changing the parcels to Tier III. Mike Roberts visited the site in August and said that the 2009 habitat layer that is on the County's GIS software is consistent with what is on the property currently with two exceptions: The beach berm that is located south of the impounded water on the west end of the point should be labeled as developed and the spit of land along the west side of the south boat basin should also be labeled as developed. The mangrove area that extends into the developed area of the camp, which is actually a canal, should be labeled as water. Staff recommended approval for Board direction to change the ten parcels to Tier III.

Sandy Walters was present representing the owner, and the owner Leigh Williams was also present. Ms. Walters questioned the habitat map designation of the berm along the southern boat basin. Mr. Roberts explained that correction is a different process and that will be corrected, as habitat map revisions do not need DRC or BOCC review. Ms. Walters then pointed out an error on the Property Appraiser's map. Parcel 0000964-000000 is public. It is a parcel of road that is between the northernmost two parcels that has been officially abandoned by the County to Seacamp. Ms. Grasser stated that will be put in the Planning Commission staff report and will be included in the advertisement. Ms. Williams will notify the Property Appraiser's office of the error.

2.Coconut Grove Bank Trustee Property, Intersection of Atlantic Avenue and Atlantic Boulevard, Key Largo, Mile Marker 99.5: A request for approval of a minor conditional use permit in order to construct seven (7) deed-restricted employee housing units, 3,070 SF of office space, and 3,498 SF of medium-intensity commercial retail use. The subject parcels are legally described as Lots 208 and 209, Port Largo First Addition (PB6-48), Key Largo, Monroe County, Florida having real estate numbers 00453470.000100 & 00453470.000200.

(10:22 a.m.) Steven Biel presented the staff report. Mr. Biel reported that this is a project requesting approval for one building with covered parking below a second floor of 3,070 square feet of office use and two employee housing units, and on one side of the building the lower floor will have 3,498 square feet of commercial/retail with a second floor containing five employee housing units. There is no direct access to U.S.1. Mr. Biel stated that Joel Reed, the applicant's planner, did request an administrative variance. Mr. Haberman explained that a waiver as part of a conditional use was removed from the code and the applicant will have to apply for a separate variance and it will have to be approved before the conditional use can be executed.

Joel Reed, Planner, was present, as well as the applicants, David Thompson and Sam Murray. Mr. Reed requested that the variance be looked at as part of the conditional use since it is tied to

the approval of the conditional use. Mr. Haberman further explained that the reason why the waiver was taken out of the conditional use site plan was so that the setback requirements would be looked at strictly for the standards of the variance, not for the standards of the conditional use. Mr. Biel added this is in the Key Largo Community Plan, which does call for infill. Mr. Reed agreed that if an application needs to be on file prior to signing of the conditional use, that can be accomplished.

Mr. Reed requested a waiver of the loading zone requirements since the use will be office space and retail, but if there needs to be a loading zone, Mr. Reed suggested allowing it to go over some parking spaces designated during certain times of the day. Mr. Haberman explained that it might be easier to fit a loading zone on the plans because it cannot be waived without a parking demand study, but the size of the loading zone can be reduced. Different configurations to fit a loading zone in the plans were discussed. Mr. Reed then requested that the Planning Department in general looks at loading zones and how they are treated in the code. Mr. Schwab agreed it needs to be re-evaluated moving forward.

Mr. Biel brought up the issue of landscaping. Mr. Roberts requested a detailed vegetation survey of the disturbed area on the site to calculate allowed clearing limits. Mr. Reed added that a vegetation study was submitted, which Mr. Roberts stated was not at a scale that could be used. Mr. Roberts next addressed the conflict existing on the plans that shows the storm water swales in the same location as all of the required landscaping. Mr. Thompson pointed out that the plan does state there is a catch basin for all the roof water and gutters and the downspout, and the retention area actually only retains the water that falls upon itself. Mr. Roberts responded that if the storm water management plan meets the treatment and storage criteria of the rule without the necessity of the swale, that engineering analysis can be provided as part of a submittal and would be subject to the engineer's review. It was suggested that should be addressed before the construction permit phase of the project.

Mr. Reed wished to address the fact that this project is within the Downtown Key Largo Master Plan area as a site for large scale NROGO allocations, according to the code. Mr. Reed asked for verbal confirmation that the applicant could get all of their NROGO allocations at one time rather than having to phase the project over different periods. Mr. Haberman answered that can be applied for, but staff cannot guarantee it. Mr. Haberman agreed that if this project is within the Downtown Key Largo Master Plan, the applicant is eligible to apply for a large scale NROGO allocation, but that would depend on if they are at the top of the list and there is no other competition.

Mr. Reed made two corrections to the community character listed in the staff report: One, there is no commercial fishing in the area; and, two, the parcel does not run along the U.S.1 corridor. Mr. Haberman informed Mr. Reed that staff reports usually are not revised after a meeting, but the corrections will be duly noted for the record. Mr. Haberman then pointed out that day care is an institutional use, not an office and retail use. The project can be approved for both, but the more restrictive parking standard and the more restrictive impact fee must be used for both. The suggestion was made to put institutional(day care)/retail be listed on the plan. Mr. Reed explained that retail was used because it is an as-of-right use. Mr. Haberman stated that if the applicant ever rescinded back from day care they may forfeit the conditional use, and the way to

keep it is by clearly asking for both and then they have the flexibility to switch back and forth by getting approved as to the more restrictive use.

Mr. Haberman asked Mr. Biel to contact the County traffic engineer to ask what the parking manual requires for day care. Mr. Reed submitted an FKAA letter and an FKEC coordination letter showing there is availability to the site. Mr. Haberman informed the applicants that the process of how to get into ROGO and NROGO is changing, and if this issue is taken care of by the end of the year it will be under the old system, but if something ties it up there is going to be a new system in place of NROGO site plan approval. Mr. Reed requested that the South Florida Water Management District language be removed because, due to size, it is not applicable to this project. Mr. Schwab requested to be kept abreast of this project as it evolves. Mr. Reed will be submitting the formal administrative variance requested. Mr. Ortiz asked Mr. Reed to use a larger font that is easier to read.

A brief recess was held from 10:59 a.m. to 11:13 a.m.

3. Pirate Hat Marina, 199 Morris Lane, Key Largo, Mile Marker 113: A request for approval to amend the site's major conditional use permit to allow for the addition of boat racks (dry slips), parking, landscaping and other associated site improvements. The subject parcel is legally described as Lot 1, Monroe Park Subdivision, Key Largo, Monroe County, Florida, having Real Estate Number 00572820.000000 and 00152810.000000.

(11:14 a.m.) Rey Ortiz presented the staff report. Mr. Ortiz reported that the applicant is requesting an approval of a major deviation to an existing conditional use to redevelop the existing marina to install dry boat racks to accommodate up to 80 vessels, 60 boats plus 20 trailers, and also to modify the existing off-street parking areas, install new landscaping, as well as other associated improvements with the site. The site is currently being used as a marina, storage and retail. The building was being used as a marina prior to the adoption of the current land code regulations in 1986. Therefore, the site needs to have a major conditional use permit. The comment in the report about South Florida Water Management District will be removed. On site there is an existing 380 square foot structure with a canopy attached to it.

Mr. Haberman informed the applicant's representative, Joel Reed, they can have a canopy if it is less than 200 feet and not used for a commercial use. Mr. Ortiz believes a structure on the property will be a problem to access the boat racks. Mr. Reed stated that the fire marshal cleared the parking and everything underneath the structure. Mr. Reed will clarify the total number of square feet under the structure. The maneuverability of a forklift in the area was discussed. The owner has been working with the company that designs the rack systems on the rack layouts. It is a very narrow site. Mr. Haberman encouraged Mr. Reed to double-check with the fire marshal that it is okay to park under the boat storage.

Mr. Ortiz further reported this is a permitted use in the suburban commercial district. The shoreline setbacks are being encroached on. The size of the slips and possible overhang was discussed. Mr. Reed added that the top of the structure is at 30 feet and only flats boats would be put on top of the rack structure to not exceed the 35-foot height limit. Mr. Haberman suggested adding a condition that no boat taller than five feet may be stored on the top rack. Mr. Reed

assured Mr. Schwab that cars are not going to go into the setback, as there is an existing fence line right there.

Mr. Roberts encouraged Mr. Reed to add a tiki on the plans now if the owner ultimately wants one. Mr. Haberman explained that there is a text amendment saying that accessory structures can be permitted without a deviation so long as they will not impact open space. Mr. Haberman explained that the parking and shoreline special approval request can be approved by conditional use, which means whoever is the decision-maker of that type of conditional use grants or denies it, and in this case it is the Planning Commission. The DRC would recommend approval if the water monitoring is done to Mr. Roberts' satisfaction.

Mr. Reed wanted to review with Mr. Roberts that the applicant did lay out the site in many different ways and gave staff a lot of the existing condition pictures. The owner is trying to bring the site into compliance, to accommodate enough room to get a swale to keep water on the site from running off where it is now, and to treat it and have some additional treatment with vegetation. Mr. Roberts agreed that although this is a very conceptual landscape plan, the buffer yards and tables shown on the plans accurately reflect code. Different plant species were discussed that would be appropriate for use in this area. Mr. Roberts reminded Mr. Reed that there is no issue with including some vegetation for buffer yards in the swale as long as that lost volume is accommodated for. Mr. Schwab wants the parking over the swales to be scrutinized. Mr. Reed will confer with the County's Project Manager about that. The idea of making the area a basin as opposed to a swale was discussed.

Mr. Ortiz further reported that the site is going to require 44 parking spaces, so there are some discrepancies throughout the application. Parking requirements were discussed. Mr. Reed agreed to accept the condition there cannot be trailers on the racks with the boat on it. Mr. Reed questioned how to solve the parking issue without closing the boat ramp. Mr. Haberman pointed out that the comprehensive plan says that public access points cannot be taken away. Mr. Haberman stated that a pump-out facility will be required on the property. Different parking configurations were discussed.

Mr. Ortiz informed Mr. Reed that the handicap parking spaces shown as gravel on the plans have to be paved. As well, there has to be access to all public areas of a path of 44 inches, preferably not behind the vehicles. Mr. Haberman also informed Mr. Reed that any improvements to the building on the site will cause it to be brought into ADA compliance. Mr. Reed requested a waiver of the loading and unloading zone requirements. Mr. Haberman explained the only way it can be waived is if a traffic engineer approves it. Mr. Haberman reviewed and read the portion of the code pertaining to loading zones. The width of aisles on the plans was discussed.

Mr. Reed clarified for the record that historically there was verbal testimony that there were some RV uses on this site and the owner is not trying to claim any ROGO exemptions for any of those units at this time. Mr. Haberman suggested that the owner apply for an LDR and transfer them off site, and to put in the application that no residential dwelling units are being proposed to continue existing at this time. Mr. Ortiz emphasized that Policy 202.5.2 of the comprehensive plan states that retrofitting existing facilities is to include an on-site pump-out station and sewage treatment.

Mr. Reed inquired into shared parking calculations. Mr. Haberman stated that because the definition of marina being the storage of wet and dry slips, that would not be possible. Mr. Reed requested a copy of the affidavits of the marina studies the owner conducted from staff. Mr. Ortiz submitted his copies to Mr. Reed. Mr. Haberman announced there will be a subsequent staff report coming out for this project. Mr. Schwab asked for a revised site plan because of the swales. Mr. Reed listed the recommended actions taken from this meeting as ADA access, loading zone access, parking and swales, checking with the fire marshal to see what is permitted under any rack structures, and determine if the applicant will amend and say no boats on top of the structure taller than five feet. Mr. Reed stated he would be willing, prior to going to the Planning Commission, to submit a revised site plan and updated plans with these items included. Mr. Roberts reminded Mr. Reed that the special approval for the shoreline setbacks can be part of this conditional use, but it has to be included.

Mr. Ortiz stated that staff is recommending approval at this point unless the community comes out against the project, which could cause staff to reevaluate the recommendation.

4. 2011-113 Chapter 142, Signs

(12:20 p.m.) Mr. Haberman stated that the sandwich boards are getting ready to expire in the code. Only three people have applied for a permit to have a sandwich board the last two years. Mr. Haberman believes there are two ways to fix this: One, take away the permit requirement altogether or, two, enforce the regulations on the people that do not have a permit.

Mr. Schwab asked for the other issues of what is being proposed. Ms. Tallman answered that one is about what is allowed for multi-tenant signage on single parcels, and the other part is bringing the County code into compliance with the state statute, which prohibits new permits for off-premise signs along scenic highways. Sign lettering graphs for different miles per hour were submitted. Mr. Haberman explained the difference between way-finding signs and off-premise signs. Ms. Smith explained that the letter size relating to speed is for multi-tenant parcels.

Mr. Schwab questioned whether the speed/distance-from-road letter size should be a requirement or a guideline. Mr. Haberman suggested not making it a requirement because it makes signs more restrictive and the planners do not have that level of information available at hand. Ms. Tallman read the language submitted in the sign lettering graphs. Mr. Haberman pointed out the word "shall" is used as opposed to "may." Ms. Schwab is more comfortable with it being a guideline.

Ms. Smith stated that she and Ms. Tallman will support whatever staff decides and deferred to Mr. Haberman on how he wants to change the wording to fit for his planners to review it. Mr. Haberman pointed out that the lettering can be required when somebody comes in for a variance and wants a bigger sign, but just not every as-of-right sign permit.

Ms. Smith added that Christine Hurley, Director of Growth Management, want the changes to go through the local chambers. Key Largo Chamber cannot schedule it before the end of the year, so a public meeting was set up at the Murray Nelson Center on October 4, 2011 and the Lower

Keys Chamber meeting on October 12, 2011. Mr. Haberman asked that the meetings be held in a different format than the previous public meetings on this item.

Mr. Haberman pointed out that there is going to be at least a short period of time where nobody will be able to apply for A-frame signs because there is not enough time to get a text amendment through before the sunset date. Mr. Haberman objected to this being rushed through the public meetings without having time to consider the public's comments. Mr. Schwab assured Mr. Haberman that the schedule is being handled appropriately. Ms. Smith clarified that she and Ms. Tallman will submit whatever comments are gotten from the chamber and public meeting and that staff will refine the exact language for the ordinance.

ADJOURNMENT

The Monroe County Development Review Committee meeting was adjourned at 12:48 p.m.